

EXHIBIT G

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
EDMUND BRYAN,

Plaintiff,

-against-

No. 07 Civ. 7300 (SHS)

ECF Case

MEMORIAL SLOAN-KETTERING CANCER
CENTER,

Defendant.

-----x
April 24, 2008
1:55 P.M.

Deposition of Defendant, by

MIGUEL RUIZ, taken by Plaintiff, pursuant to

Notice, at the offices of The Scott Firm, 55

Washington Street, Suite 705, Brooklyn, New

York 11201, before Charisse Romeo, a Shorthand

Reporter and Notary Public within and for the

State of New York.

<p>1 2 APPEARANCES: 3 4 THE SCOTT FIRM 5 Attorneys for Plaintiff 6 55 Washington Street, Suite 705 7 Brooklyn, New York 11201 8 BY: A. BARAKA SCOTT, ESQ. 9 10 McDERMOTT, WILL & EMERY, LLP 11 Attorneys for Defendant 12 340 Madison Avenue 13 New York, New York 10173 14 15 BY: KATHERINE D. KALE, ESQ. 16 17 ALSO PRESENT: 18 PAMELA DUDLEY 19 Memorial Sloan-Kettering Center 20 Human Resources Representative 21 22 23 24 25</p>	<p>Page 2</p> <p>1 M. Ruiz 2 MIGUEL RUIZ, 3 having been first duly sworn by the 4 Notary Public (Charisse Romeo), was 5 examined and testified as follows: 6 EXAMINATION BY MR. SCOTT: 7 Q. Would you state your name for the 8 record? 9 A. Miguel Ruiz. 10 Q. What is your address? 11 A. Business address is 1275 York 12 Avenue, New York, New York. 13 Q. Good afternoon, Mr. Ruiz. My 14 name is Armani Scott. I represent Edmund 15 Bryan in a case captioned Edmund Bryan versus 16 Memorial Sloan-Kettering Cancer Center. 17 You are appearing today pursuant 18 to a notice of deposition? 19 A. Excuse me? 20 Q. You are appearing here today 21 pursuant to a notice of deposition? 22 A. Yes. 23 Q. I'm just going to lay down some 24 ground rules. 25 I'm going to ask you some</p>
<p>1 2 IT IS HEREBY STIPULATED AND AGREED by 3 and between the attorneys for the respective 4 parties herein that the sealing, filing and 5 certification of the within deposition be waived; 6 that such deposition may be signed and sworn to 7 before any officer authorized to administer an 8 oath, with the same force and effect as if signed 9 and sworn to before a judge of this court. 10 IT IS FURTHER STIPULATED AND AGREED 11 that all objections, except as to the form, are 12 reserved to the time of the trial.</p>	<p>Page 3</p> <p>1 M. Ruiz 2 questions. As you can see, the court reporter 3 is taking down everything that is being said. 4 I would like you to wait for me to complete my 5 question before you answer. 6 In the event that I phrase a 7 question or a sentence in an inartful way, you 8 let me know and I will try to rephrase it so 9 you can understand it and we can move it 10 along. If you don't know an answer to a 11 question, feel free to say I don't know. I 12 don't want you to guess on anything and we 13 will move this along, okay? 14 A. Okay. 15 Q. Mr. Ruiz, by whom are you 16 employed? 17 A. Memorial Sloan-Kettering. 18 Q. And for how long have you been 19 employed by them? 20 A. July will be two years. 21 Q. July of 2008 will make two years? 22 A. Yes, I have been an employee 23 since 2006. 24 Q. And what is your job title there? 25 A. I'm a lead tech, central services</p>

<p style="text-align: right;">Page 6</p> <p>1 M. Ruiz</p> <p>2 lead tech.</p> <p>3 Q. And for how long have you had</p> <p>4 that job title with Memorial?</p> <p>5 A. Since the day hired.</p> <p>6 Q. So since the date you were hired</p> <p>7 there?</p> <p>8 A. At that hospital. Prior to that</p> <p>9 hospital, I came from NYU Medical Center.</p> <p>10 Q. Okay. My question is, for the</p> <p>11 entire time that you were at Memorial</p> <p>12 Sloan-Kettering, your job title was?</p> <p>13 A. Lead tech.</p> <p>14 Q. Lead tech, okay.</p> <p>15 A. I was hired as -- for a lead</p> <p>16 tech.</p> <p>17 Q. You said prior to coming to</p> <p>18 Memorial, where were you working?</p> <p>19 A. NYU Medical Center.</p> <p>20 Q. What was your job title there?</p> <p>21 A. I started off as a receptacle</p> <p>22 services technician and then I worked my way</p> <p>23 up to lead tech and supervisor.</p> <p>24 Q. Okay. And how long were you over</p> <p>25 at NYU?</p>	<p style="text-align: right;">Page 8</p> <p>1 M. Ruiz</p> <p>2 specific? In what ways do you train them,</p> <p>3 what do you show them to do, what do you show</p> <p>4 them how to do?</p> <p>5 A. Certain assignments in each area</p> <p>6 they are assigned to do, we will train them.</p> <p>7 We'll train them.</p> <p>8 Q. Give me a garden variety</p> <p>9 assignment, what kind of assignment would a</p> <p>10 lead technician train someone in doing?</p> <p>11 A. I don't understand. I don't</p> <p>12 understand the question.</p> <p>13 Q. Would they train them on how to</p> <p>14 package some sort of medical items?</p> <p>15 A. We train them in -- okay, like I</p> <p>16 said, it depends on the assignment that they</p> <p>17 have. If they first start in, let's say,</p> <p>18 decontamination area, we show them what type</p> <p>19 of chemicals, how to handle machineries in</p> <p>20 contaminated areas and certain stuff like</p> <p>21 that. I mean -- and then that's one</p> <p>22 assignment.</p> <p>23 Prep and pack area, that is the</p> <p>24 area which we assemble the instruments, once</p> <p>25 they come out of the decontam area and then we</p>
<p style="text-align: right;">Page 7</p> <p>1 M. Ruiz</p> <p>2 A. Twenty-two years.</p> <p>3 Q. And just briefly, could you just</p> <p>4 state what your educational background is,</p> <p>5 your education?</p> <p>6 A. High school diploma.</p> <p>7 Q. What are the job responsibilities</p> <p>8 of a lead tech at Memorial?</p> <p>9 A. We cover -- I cover when the</p> <p>10 supervisor is either on vacation, sick or off.</p> <p>11 Q. When you say you "cover," what do</p> <p>12 you mean by that?</p> <p>13 A. Well, I take charge. I am in</p> <p>14 charge of the department, of the staff.</p> <p>15 Q. And any other job</p> <p>16 responsibilities as a lead tech?</p> <p>17 A. Yes. Many.</p> <p>18 Q. And the question is, what are</p> <p>19 they, sir? Educate me, please.</p> <p>20 A. Well, we, we train new employees,</p> <p>21 we, I -- if they have any questions regarding</p> <p>22 the job or anything that they need to know</p> <p>23 about the job, I show them.</p> <p>24 Q. And when you say that you train</p> <p>25 new employees, could you be a little bit more</p>	<p style="text-align: right;">Page 9</p> <p>1 M. Ruiz</p> <p>2 assemble the instruments there. We show them</p> <p>3 how -- well, that part there takes a long</p> <p>4 period to learn because you have to learn all</p> <p>5 the instruments and we have quite a few</p> <p>6 instruments to learn.</p> <p>7 Q. How many instruments?</p> <p>8 A. Thousands.</p> <p>9 Q. Thousands of instruments?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Okay. Continue, please. What</p> <p>12 other types of training?</p> <p>13 A. So we train them there. We show</p> <p>14 them how -- the names of the instruments, how</p> <p>15 to package them in a container, sterile</p> <p>16 container. And from there we also train them</p> <p>17 in the sterilization area where after the</p> <p>18 package is wrapped, it goes into a sterilizer</p> <p>19 to be cooked.</p> <p>20 Q. All right.</p> <p>21 A. That is another assignment there.</p> <p>22 We also have a custom area where we highly</p> <p>23 disinfect scopes and bronchoscopes,</p> <p>24 colonoscopy scopes. We also have a case cart</p> <p>25 room area which we pick cases for the OR. The</p>

1 M. Ruiz
2 hired you?

3 A. He hired me, yes.

4 Q. Did he hire you on the spot?

5 A. Yes, it took me about a week,
6 like a week or so, like two weeks before I
7 started, before I got hired.

8 Q. Okay. My question is did he hire
9 you on the spot and you said yes, it took me
10 about a week or two before I got hired. Can
11 you clarify that, what you mean by that?

12 A. Okay, he hired me, he told me how
13 soon I can start. So I told him in about a
14 two weeks, because I wanted like a
15 minivacation before I started because I was at
16 the other job and I just didn't want to start
17 right away without having a small break for
18 myself.

19 Q. Just so we're clear, at the end
20 of that one-hour interview with John Meggs,
21 you were hired for the position of lead tech
22 by him, correct?

23 A. Uh-huh.

24 Q. Okay. And why were you leaving
25 your job at NYU?

1 M. Ruiz

2 A. Cause I had gotten promoted to
3 supervisor at NYU and I held that position for
4 two years and I started -- and I was not
5 getting along with their managing there and I
6 decided to leave.

7 Q. During your interview with John
8 Meggs, did he ask why you were leaving NYU?

9 A. Yes.

10 Q. And what did you tell him?

11 A. The same thing I just told you.

12 Q. Okay. And did you go into any
13 more details with John Meggs in regard to what
14 the nature of the problem was with you and
15 management over at NYU?

16 A. Yeah, I told him.

17 Q. Could you tell us now?

18 A. I told him I wasn't getting along
19 with the management there and I was getting
20 stressed out and I wanted to leave.

21 Q. When you say you weren't getting
22 along with the management, can you be a little
23 more specific? What was happening there that
24 you weren't getting along with management?

25 A. Well, she was just being too

1 M. Ruiz
2 demanding, too much, it was, you know, too
3 much reports of the department and stuff like
4 that.

5 Q. When you say "too much reports of
6 the department," what do you mean, she was
7 requiring you to do too many reports?

8 A. Yes.

9 Q. And you told this to John

10 Meggs --

11 A. Yes.

12 Q. -- specifically?

13 A. Uh-huh.

14 Q. I mean, you have to say yes.

15 A. Yes, yes, yes.

16 Q. It's all right. Don't worry

17 about it.

18 Mr. Ruiz, who is Rupert Gillette?

19 A. He is the night supervisor.

20 Q. Okay.

21 A. Night shift supervisor.

22 Q. In the hierarchy at Memorial, do
23 you work under him or does he work under you?

24 A. I work under him.

25 Q. Did you know Rupert Gillette

1 M. Ruiz

2 prior to coming to work at Memorial
3 Sloan-Kettering?

4 A. No, sir.

5 Q. First time you met him was
6 arriving to work as lead technician for
7 Memorial?

8 A. That's correct.

9 Q. Were there ever occasions when

10 Rupert Gillette would send you to Edmund Bryan
11 or for Edmund Bryan to tell you about certain
12 instruments in the department?

13 A. Can you rephrase that question?

14 Q. Yes.

15 Did Rupert Gillette ever send you
16 over to Edmund Bryan to get information about
17 instruments in the department?

18 A. No, not that I recall, no.

19 Q. Do you ever recall Rupert
20 Gillette instructing Edmund Bryan to train you
21 about the use of certain instruments in the
22 department?

23 A. No.

24 Q. That never occurred?

25 A. No.

<p style="text-align: right;">Page 50</p> <p>1 M. Ruiz 2 Q. He is a vendor and he services 3 machines. 4 A. Right. 5 Q. Does he engage in joking? 6 A. No, not -- I'm not aware -- 7 Q. I'm sorry, I shouldn't have cut 8 you off. 9 A. I am not aware of Kevin. 10 Q. What about Kevin Walrond; does he 11 engage in the joking that takes place? 12 A. Well, he is no longer there in 13 the department, but I recall a few times, yes. 14 Q. Did Edmund Bryan engage in the 15 joking? 16 A. Who, Ed? 17 Q. Edmund Bryan? 18 A. He doesn't speak at all. 19 Q. When you say "he doesn't speak at 20 all," what do you mean? 21 A. He is always to himself. He 22 stays to himself. He don't participate with 23 nobody. He just into himself, into his own 24 world. I mean, I've tried to talk to the guy 25 or get along with him but he just -- if it is</p>	<p style="text-align: right;">Page 52</p> <p>1 M. Ruiz 2 A. Yes. 3 Q. And you witnessed this? 4 A. I witnessed one time we had an 5 in-service on some videos and, you know, we 6 work nights and people start getting drowsy a 7 little after watching videos after working all 8 night. He takes a basin, one of those mail 9 basins and slams it real hard on the floor and 10 people got upset because of that because it 11 made them jump up to the ceiling almost and 12 that wasn't funny at all. I was part of that, 13 that jumped up in the air because he was 14 behind me and he slammed right behind me real 15 hard, and I jumped. 16 Q. And this was a basin? 17 A. Yes, a basin. 18 Q. A plastic basin? 19 A. No, a metal basin. 20 Q. Were any instruments, tools in 21 this basin? 22 A. No. 23 Q. Is it possible the basin dropped? 24 A. No. 25 Q. How do you know that it didn't</p>
<p style="text-align: right;">Page 51</p> <p>1 M. Ruiz 2 not work-related, he just don't want to hear 3 it. 4 Q. Is that a bad thing? 5 A. No, I'm not saying it is a bad 6 thing, but you should get along with your 7 staff, right? 8 Q. When you say don't get along, 9 does he pick fights with people on the job? 10 A. Well, he's always with, you know, 11 like an attitude. He will always have like an 12 attitude. 13 Q. Can you be more specific? 14 A. He is always like moody. 15 Q. Could you be a little more 16 specific? 17 A. I say sometimes he's like moody, 18 like that he will like throw things around 19 and, you know, he just don't talk to anybody. 20 Q. When you say he throws things 21 around -- 22 A. Yes, instruments -- I don't mean 23 throw it around, but like make loud noises 24 with them. 25 Q. He slams instruments down?</p>	<p style="text-align: right;">Page 53</p> <p>1 M. Ruiz 2 just drop? 3 MS. KALE: Objection. 4 A. Because the staff saw him throw 5 the basin on the floor. 6 Q. Did you see him drop the basin on 7 the floor? 8 A. No, I was behind him. 9 Q. You mean he was behind you? 10 A. He was behind me, yes. 11 Q. Any other times when he was 12 throwing things around on the job? 13 A. That I recall, I mean, he didn't 14 throw anything like he did with the basin, but 15 he slams the trays on the tables at time. I 16 don't know, the trays he is going to assemble, 17 he slams them on the table. 18 Q. Would that affect the job that 19 he's doing, if he was being rough with the 20 instruments like that? 21 A. Yes, it could damage. There are 22 delicate instruments on those trays, it could 23 get damaged.* 24 Q. Did you ever counsel him on that? 25 A. No.</p>

<p style="text-align: right;">Page 54</p> <p>1 M. Ruiz 2 Q. Did you ever speak to Rupert 3 Gillette to counsel him on that? 4 A. No, I believe I mentioned it to 5 him, but I don't know if he had any 6 counseling. 7 Q. Did you speak to him that if you 8 were so rough with these instruments, you may 9 damage them? 10 A. Yes. 11 Q. You believe you spoke to Rupert 12 about that? 13 A. Yes. 14 Q. Do you know if Rupert spoke to 15 him about that? 16 A. No, I don't recall. 17 Q. And this slamming, is this 18 something that goes on every day, is this a 19 once-a-week kind of thing, a once-a-month kind 20 of thing? 21 A. Maybe once a week or something 22 like that. 23 Q. Anything else? You said you 24 attempted to engage Mr. Bryan in conversation, 25 correct?</p>	<p style="text-align: right;">Page 56</p> <p>1 M. Ruiz 2 A. Well, he look like the type of 3 person, the way he acts, the way he reacts, 4 you never know, crazy world. 5 Q. On the occasion when you would 6 attempt to engage him in conversation, what 7 kind of stuff would you bring up to him, what 8 would you say? 9 A. Nothing, I would -- sometimes I 10 would go up to him and say hello and then he 11 just stays quiet, like greet him and he just 12 don't -- don't say nothing and I just move on, 13 move on. 14 Q. Have you ever heard other people 15 on the job make comments on the job about 16 being worried that Edmund Bryan is going to go 17 crazy and kill everybody there? 18 A. There's been comments said, yeah. 19 Q. You've heard other people say 20 this? 21 A. Yes, the rest, most of the staff, 22 yes. 23 Q. Most of the staff. Can we get a 24 list of names of the people that say this? 25 A. That are worried about him?</p>
<p style="text-align: right;">Page 55</p> <p>1 M. Ruiz 2 A. Yes. 3 Q. And you said he says all he wants 4 to do is talk about work? 5 A. I didn't say he said that. I am 6 saying he is not a conversation person, you 7 know, that like to speak. He just stays to 8 himself, like he is in his own world, don't 9 want part of nobody. 10 Q. Okay. 11 A. There are times that the staff 12 thinks that he might lose, lose it and start 13 killing everybody in the department. Did you 14 understand what I said? 15 Q. Yes, I would like you to repeat 16 that. I would like you to explain what you 17 just said. 18 A. What? 19 Q. I would like you to explain what 20 you just said. 21 A. Well, the staff have concern 22 about themselves going to work every night and 23 wondering if this guy is going to snap and 24 start killing everybody in the department. 25 Q. Are you worried about that?</p>	<p style="text-align: right;">Page 57</p> <p>1 M. Ruiz 2 Q. That are worried or that said 3 this, sure. 4 A. Efrain -- 5 THE WITNESS: Do I have to 6 answer? 7 MS. KALE: Yes. 8 A. Efrain Perez, Isaac Dunko. What 9 is that guy's name, um, Edwin. I forgot, I 10 don't know his last name. I know it is Edwin. 11 Borel, Borel. There are one or two other 12 more, but I don't recall their names right 13 now. 14 Q. And did this conversation all 15 occur at one time or these are different 16 occasions, different statements by these 17 different people? 18 A. I don't recall. I don't recall. 19 Q. You don't recall whether this all 20 occurred at one time or whether you heard it 21 from different people at different times? 22 A. Yes. 23 Q. Okay. Was Rupert Gillette 24 present at any of these conversations? 25 A. Of what kind of?</p>

<p style="text-align: right;">Page 58</p> <p>1 M. Ruiz 2 Q. Conversations about Mr. Bryan and 3 whether or not he would kill everybody on the 4 job? 5 A. Well, they approached him and 6 told him about it, about the -- about them 7 being worried. 8 Q. Okay. 9 A. They approached Rupert Gillette. 10 Q. And when did this occur? 11 A. When did this occur? About two, 12 three weeks ago or maybe more. 13 Q. Were you present when this 14 occurred? 15 A. When what occurred? 16 Q. When they approached, this "they" 17 that you are referring to when they approached 18 Rupert Gillette about their concerns about 19 Edmund Bryan. 20 A. No, I wasn't there. 21 Q. How do you know? 22 A. Because I was told by Rupert 23 Gillette himself, and some of the staff has 24 spoken to me about it, too. 25 Q. What did Rupert Gillette tell</p>	<p style="text-align: right;">Page 60</p> <p>1 M. Ruiz 2 the guy. I can't -- I don't know what he's 3 capable of doing, so I'm going to leave that 4 question blank because I'm not sure what he 5 would do. 6 Q. So you are going to say no, you 7 don't have those feelings? 8 MS. KALE: Objection. 9 A. Like I said, I don't know what 10 he's capable of doing. 11 Q. Okay. Have you ever had any 12 falling-outs or disagreements with Edmund 13 Bryan? 14 A. No. 15 Q. Have you ever witnessed him 16 getting into any sort of verbal altercations 17 or arguments with other co-workers? 18 A. No, I mean the only person that 19 he interfered with was Efrain, I believe. 20 Q. Have you ever witnessed -- 21 A. Witnessed, no. 22 Q. Because your knowledge about that 23 incident with Efrain was secondhand? 24 A. Yes. 25 Q. And that's what you heard from</p>
<p style="text-align: right;">Page 59</p> <p>1 M. Ruiz 2 you? 3 A. Well, he's concerned too and that 4 he's going to take further actions. 5 Q. He told you that he was concerned 6 and he's going to take further actions? 7 A. Yes, he's going to report it. 8 Q. And when you say "report it," 9 what would it be that Mr. Gillette would be 10 reporting -- 11 MS. KALE: Objection. 12 Q. -- if you know? 13 A. That staff is concerned about 14 themselves. 15 Q. Okay. 16 A. That they are afraid to go to 17 work. 18 Q. And not talking about anyone 19 else's reasons for having those feelings, do 20 you, yourself, hold those same feelings with 21 regards to thinking that Edmund Bryan will 22 come in to work one day and kill everybody, do 23 you have those feelings? 24 A. Well, there are times -- well, he 25 hasn't done anything to me so I'm not judging</p>	<p style="text-align: right;">Page 61</p> <p>1 M. Ruiz 2 Efrain, correct? 3 A. Yes. 4 Q. You never spoke to Edmund about 5 whether any of that was correct? 6 MS. KALE: Objection. 7 A. Correct. 8 Q. Correct, right? 9 A. Yes. 10 Q. Are you familiar with any of the 11 circumstances related to why John Meggs is no 12 longer at Memorial Sloan-Kettering? 13 A. No. 14 Q. You don't know anything about why 15 John Meggs is no longer there? 16 A. No. 17 MR. SCOTT: Just give me one 18 second. 19 Off the record. 20 (Discussion off the record.) 21 MR. SCOTT: We're just about 22 done. 23 Q. Mr. Ruiz, do you recall being 24 interviewed by Sheila Donoghue in March of 25 last year related to a complaint that Edmund</p>